

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA CHAVEZ,

Defendant.

CASE NO. CR05-281JLR

ORDER

This matter comes before the court upon Defendant Maria Chavez's motion to suppress evidence (Dkt. # 249). It was represented in the search warrant affidavit at issue that Defendant Chavez had been involved in several attempted or completed drug transactions. At issue in this motion is the question of whether the search warrant affidavit contained sufficient representations to establish probable cause for issuance of a search warrant for the location alleged to be the Defendant's residence. United States v. Angulo-Lopez, 791 F.2d 1394 (9th Cir. 1986). The issue before the court, therefore, is whether the search warrant affidavit contained sufficient information to establish 7220 Lower Ridge Road, Everett, Washington as Defendant's residence.

The affidavit contained the following information concerning this issue:

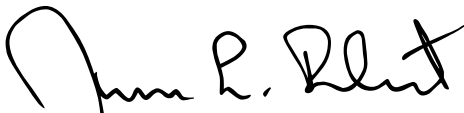
1 (1) Defendant gave 7220 Lower Ridge Road as her forwarding address to the  
2 manager of her former residence;

3 (2) Defendant had previously been listed as a co-tenant with her brother on  
4 utility records for the location; and

5 (3) Defendant's primary vehicle was at the location to be searched at 5:00 a.m.  
6 on the day after she moved from her prior residence (July 18th).

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8 Based on these facts, the court concludes that Magistrate Sweigert had a  
9 substantial basis to find probable cause, and did not commit clear error in issuing the  
10 search warrant. Illinois v. Gates, 462 U.S. 213, 236 (1983); United States v. Fernandez,  
11 388 F.3d 1199, 1252 (9th Cir. 2004). The court therefore DENIES Defendant Chavez's  
12 motion to suppress (Dkt. # 249).

13 Dated this 12th day of October, 2005.  
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17 JAMES L. ROBART  
18 United States District Judge  
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